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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,059	02/16/2001	David Frederick Bantz	YOR920000804US1	5389

7590

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EXAMINER

REAGAN, JAMES A

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,059

Applicant(s)

BANTZ ET AL.

Examiner

James A. Reagan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-16,19-27 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-16,19-27 and 30-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in response to the amendment received on 30 January 2006.
2. Claims 1, 5, 12, 16, 19, 23, 24, 25, 27, and 30 have been amended.
3. Claims 6, 7, 17, 18, 28, and 29 have been cancelled.
4. Claims 1-5, 8-16, 19-27, and 30-33 are currently pending and have been examined.

RESPONSE TO ARGUMENTS

5. Applicant's arguments received on 30 January 2006 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5, 8-16, 19-27, and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vashistha, and further in view of Goino (US 2001/0056396 A1).

Claims 1-4, 12-16, and 23-26:

Vashistha, as shown, discloses the following limitations:

- *obtaining bids from a plurality of service providers for providing a service (see at least paragraph 0037 as well as other relevant and related text);*
- *electronically determining an estimated time of completion for the service for each of the plurality of service providers based on the calculated time of travel for each of the plurality of service providers (see at least paragraphs 0081-0087 as well as other relevant and related text);*
- *providing the bids from the plurality of service providers and the estimated time of completion for the service for each of the plurality of service providers to the client device (see at least paragraphs 0081-0087 as well as other relevant and related text);*

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- *determining a service provider rating for each of the plurality of service providers (see at least paragraphs 0071 and 0093 as well as other relevant and related text);*
- *providing the service provider rating for each of the plurality of service providers to the client device (see at least paragraphs 0071 and 0093 as well as other relevant and related text);*
- *receiving a selection of a selected service provider from the plurality of service providers and a command to place an order for the service with the selected service provider (see at least paragraphs 0078 as well as other relevant and related text);*
- *placing an order with the selected service provider (see at least paragraph 0079 as well as other relevant and related text);*
- *each bid includes a price for providing the service (see at least the abstract well as other relevant and related text);*

Vashistha does not specifically disclose:

- *responsive to obtaining the bids, obtaining route information from a route determination provider based on a first location associated with the client device and a second location associated with a corresponding service provider;*
- *obtaining historical travel data from a historical database;*
- *calculating an estimated time of travel for each of the plurality of service providers based on the route information and the historical travel data.*

Goino, however, discloses a computer-networked bidding system that includes placing bids based on a variable due date, delivery options, price, routes and routing, and multiple pick

ups at multiple locations, as well as other relevant bidding options. See at least Figure 6, 14, 17-20, and 30+, related text, and other pertinent passages. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the project management and development methods as disclosed Vashistha with Giono's variable pick up and delivery bidding system because, "its first object is to provide an auction method, an auction system and a server which can satisfy requirements other than the price for a client...to provide an auction method, an auction system and a server that permit a client who looks for a partner, with whom an article is sold or purchased, to find a trading partner who meets desired conditions in accordance with the client's circumstances with respect to trading dates such as the article delivery date, the payment deadline...to provide an auction method, an auction system and a server that can achieve the first object as well as meet requirements with respect to the position of a client (Goino, paragraphs 0010-0012)."

Claims 5, 8-11, 16, 19, 27, and 30:

Vashistha discloses the project management and development methods as shown the rejections above. Vashistha does not disclose the following limitations:

- *each bid further includes an estimated time to perform the service at a location associated with a corresponding service provider.*
- *adding the estimated time of travel to an estimated time of performing the service at the second location.*

Goino, however, discloses a computer-networked bidding system that includes placing bids based on a variable due date, delivery options, price, routes and routing, and multiple pick ups at multiple locations, as well as other relevant bidding options. See at least Figure 6, 14, 17-20, and 30+, related text, and other pertinent passages. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the project management and development methods as disclosed Vashistha with Giono's variable pick up and delivery bidding system

because, "its first object is to provide an auction method, an auction system and a server which can satisfy requirements other than the price for a client...to provide an auction method, an auction system and a server that permit a client who looks for a partner, with whom an article is sold or purchased, to find a trading partner who meets desired conditions in accordance with the client's circumstances with respect to trading dates such as the article delivery date, the payment deadline...to provide an auction method, an auction system and a server that can achieve the first object as well as meet requirements with respect to the position of a client (Goino, paragraphs 0010-0012)."

Claims 9-11, 20-22, and 31-33:

Vashistha, as shown, discloses the following limitations:

- *the method is implemented in an electronic marketplace provider* (see at least paragraphs 0009-0012 as well as other relevant and related text);
- *the electronic marketplace provider is present on a proxy server* (see at least Figure 12 as well as other relevant and related text);
- *the electronic marketplace provider is present on the client device* (see at least Figure 12 as well as other relevant and related text);

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
9. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on 8:00a - 5:00p M-F. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 [Official communications, After Final communications labeled "Box AF"]

571-273-8300 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

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JAMES A. REAGAN

Primary Examiner

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30 March 2006


JAMES A. REAGAN
PRIMARY EXAMINER